

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claim Amendments

Claims 6-23 are pending in the instant application. Claims 6-10 remain unchanged notwithstanding the new grounds of rejection. New claims 11-23 have been added to provide Applicants with the scope of protection to which they are believed entitled. The new claims find solid support in the original specification and drawings, especially FIGs. 3-4, and the corresponding text.

Specification Amendments

The specification has been amended to add material inadvertently omitted from the application at the time of filing pursuant to 37 CFR 1.57(a). Specifically, pages 6-7 of PCT/IB2005/000162 (copy attached) were inadvertently omitted upon entering the US national phase, and are now added under the provision of 37 CFR 1.57(a).

In the alternative, the added material was *incorporated by reference* at the time of filing,¹ and is now being *literally* incorporated in this application pursuant to 37 CFR 1.57(f).

Entry of the specification amendment under either 37 CFR 1.57(a) or 37 CFR 1.57(f) is believed appropriate and therefore respectfully requested.

No new matter has been introduced through the foregoing amendments.

¹ See the Preliminary Amendment filed July 21, 2006.

35 U.S.C. 103(a) rejection

The 35 U.S.C. 103(a) rejection of claims 6-10 as being obvious over *Hamada* in view of *Gantner* is respectfully traversed, because the applied references, especially *Hamada*, do not fairly teach or suggest the feature of **independent claim 6** that “the plug guide includes a zone having an enlarged section at the opening of the magazine leading into the plug guide.”

The Office is of the opinion that *Hamada* discloses an enlarged zone at C in FIG. 1. There are two reference numerals C in FIG. 1 of *Hamada*. Applicants assume that the Office interprets the *upper* reference numeral C to read on the claimed enlarged zone, because it is adjacent to an opening 6 via which nails 50 are fed from magazine 3 into the device.

Applicants respectfully disagree with the Office’s interpretation, because zone C is not an enlarged zone of the plug guide or nozzle 5. Zone C of *Hamada* is not larger than any other zones of nozzle 5 as best seen in FIG. 1 of *Hamada*, and is in fact the smallest section of the nozzle 5. Therefore, it is unreasonable to interpret zone C of *Hamada* as an enlarged zone.

As seen in FIG. 1 and illustrated in greater scale in FIG. 17, nozzle 5 of *Hamada* indeed has an enlarged zone D at the forward end of the nozzle. However, such zone D is not located “at the opening of the magazine leading into the plug guide” as claimed.

Accordingly, Applicants respectfully submit that nozzle 5 of *Hamada* includes no zone that is both enlarged and located at the opening of the magazine as presently claimed. The deficiency of *Hamada* is not deemed curable by the teaching reference of *Gantner*, and therefore independent claim 6 is patentable over the applied art of record.

Dependent claims 7-10 are considered patentable at least for the reason(s) advanced with respect to claim 6.

New Claims

New **independent claim 11** recites among other things:

wherein said fastener guide includes
a front zone for guiding the fastener forwards towards the substrate
material; and
a rear zone having an enlarged cross-section greater than a cross-
section of the front zone;
...
wherein the rear zone having the enlarged cross-section is located at the
opening of the magazine leading into the fastener guide.

For reasons similar to those discussed above with respect to independent claim 6, *Hamada* does not teach or suggest any elements that could be reasonably interpreted to read on both the front and rear zones of the claimed invention.

Specifically, the rear (upper) zone C in FIG. 1 of *Hamada* does not have any cross-section greater than that of the front zone C, D, whereas, the enlarged zone D is not located at the opening of the magazine as claimed. The deficiency of *Hamada* is not deemed curable by the teaching reference of *Gantner*, and therefore independent claim 11 is patentable over the applied art of record.

Dependent claims 12-15 are considered patentable at least for the reason(s) advanced with respect to claim 11.

New **independent claim 16** recites features similar to those of claim 11, and is believed to be patentable over the art for at least the reasons detailed with respect to claim 11.

Dependent claims 17-23 are considered patentable at least for the reason(s) advanced with respect to claim 16.

Conclusion

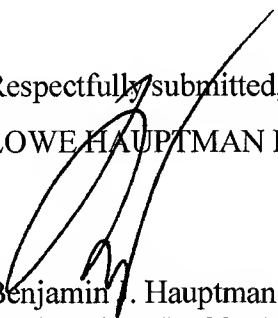
Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: October 22, 2010
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It will be clear that the opening of the magazine 19 leading into the plug guide 11 is adapted to complete the section of the zone having an enlarged section 21. The rotation of the last fastening assembly (13, 15) is therefore not obstructed in the latter.

The zone having an enlarged section extends longitudinally over a distance H . This distance corresponds at least to the length h of a sleeve 15 increased by the loading stroke $(L - L')$ downstream in the direction of displacement of the piston for firing when the plug guide 11 is in the safety position. In this manner, during the loading of the device 10, the plug guide 11 ascends without changing the section for the sleeve 15 which is situated in the plug guide 11 in the firing position. The connection with the plug guide 11 portion having a diameter D corresponding to the diameter of a sleeve 15 without the bridges 16 is produced here by a truncated portion 22. The latter allows for correct centring of the fastening assembly (13, 15) when this assembly (13, 15) is driven by the piston and when it passes from the zone having an enlarged section 21 to the zone having a non-enlarged section having diameter D , i.e. to the remainder of the bore of the plug guide 11. In this latter zone, the half bridges 16 are flattened against the surface 18 of the bore of the plug guide 11.

The zone having an enlarged section 21 in this case extends longitudinally downstream over the distance $H = h + (L - L')$ from the upstream end of a sleeve 15 when it is introduced into the plug guide 11. Upstream, the person skilled in the art will decide whether or not to extend this zone having an enlarged section or to adapt the section to the diameter of the piston.

The operation of the fastening device 10 of the invention will now be described in more detail.

A strip 14 of fastening assemblies (13, 15) is received in the magazine 19. The assembly (13, 15) opposite the return spring is introduced into the plug guide 11, which is in the safety position. This assembly (13, 15) is contained, together with its bridges 16, in the zone of the plug guide 11 with an enlarged section 21, dimensioned to this end. The plug guide 11 is brought to bear against the substrate material by the user and is inserted into the casing 20 as far as its firing position. The plug guide 11 slides freely around the sleeve 15 of the assembly (13, 15) contained therein as a result of the downstream extension of its zone having an enlarged section 21 over the length $(L - L')$ of its loading stroke, wherein the downstream end of the sleeve 15 can come to bear against its truncated portion 22 at the end

of the stroke. The piston is driven by the explosive mixture upon firing and drives the assembly (13, 15) into the plug guide 11, the centring of this assembly (13, 15) being facilitated by the truncated portion 22 for connection with the zone of the plug guide 11 having a non-enlarged section. The bridges 16 of the assembly (13, 15) rigidly connected to the strip 14 are sheared. They are then flattened, together with the bridges 16 which are free, against the surface 18 of the bore of the plug guide 11. The fastener 13 is then introduced into the substrate material.

As a result of the departure of the assembly (13, 15) from the plug guide 11 and of the force exerted by the return spring, the next assembly (13, 15) is introduced into the plug guide 11 when the latter has resumed its safety position and the piston has ascended to the firing position. The device 10 then functions in the same manner for each of the assemblies (13, 15) until the last one. This last assembly, which is not rigidly connected to any other, can be made to rotate about its axis by friction against, inter alia, a wall of the magazine 19 when it is introduced into the plug guide 11. This rotation has no influence on the positioning of this last assembly (13, 15) in the plug guide 11, as it is allowed for by the zone having an enlarged section 21.